

SIXTY-SEVENTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
May 11, 1931.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Senator Moore.

Motion to Concur.

Senator Woodward moved to concur in the House amendment to S. B. No. 68. The motion prevailed by the following vote:

Yeas—26.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Rawlings.
Gainer.	Russek.
Greer.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent.

Hardin.	Poage.
Holbrook.	Purl.

Absent—Excused.

Pollard.

Bill Introduced.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of general bills during the last 90 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Williamson:

S. B. No. 625, A bill to be entitled "An Act to create and establish San Antonio River Canal and Conservancy District under authority of Section 59 of Article XVI of the Constitution of Texas, to be a governmental agency, a body politic, municipal and corporate; also stating the intent and defining certain words and expressions as used in this Act, and declaring an emergency."

Read and referred to Committee on State Affairs.

H. C. R. No. 34.

The Chair laid before the Senate the following resolution:

H. C. R. No. 34, Giving heirs of Edward Wingate right to sue the State.

Read and referred to Committee on State Affairs.

H. C. R. No. 54.

The Chair laid before the Senate the following resolution:

H. C. R. No. 54, Relating to junking of certain plates in Secretary of State's office.

Read and referred to Committee on State Affairs.

H. J. R. No. 12.

The Chair laid before the Senate on its third reading the following resolution:

H. J. R. No. 12, Proposing to amend the Constitution of the State of Texas so as to provide that the Legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this State or to any county or defined subdivision thereof, or other municipal corporation therein, except delinquent taxes which have been due for a period of at least four years.

Read third time and laid on the table subject to call by unanimous consent.

H. J. R. No. 6.

The Chair laid before the Senate on its third reading the following resolution:

H. J. R. No. 6, Proposing an amendment to Article VIII of the Constitution of the State of Texas by adding thereto Section 1a; exempting all homesteads from taxation except so much thereof as exceeds two thousand dollars in valuation.

Read third time and laid on the table subject to call by unanimous consent.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of

the Senate, after their captions had been read, the following bills and resolutions.

H. B. No. 812. H. C. R. No. 25.
S. C. R. No. 47. H. B. No. 592.

Senate Bill No. 460.

The Chair laid before the Senate as special order the following bill:

By Senator Moore:

S. B. No. 460, A bill to be entitled "An Act regulating the graduate work of, and the conferring of degrees by certain State educational institutions; providing the means and manner thereof; and declaring an emergency."

Read second time.

On motion of Senator Moore, the bill was laid on the table subject to call.

House Bill No. 907.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 907, A bill to be entitled "An Act fixing a period of time when it shall be lawful to take and hunt and kill squirrels in Panola County; defining a misdemeanor, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 907 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hardin. Pollard.
Holbrook.

Read third time and finally passed.

House Bill No. 915.

The Chair laid before the Senate by unanimous consent the following vote:

H. B. No. 915, A bill to be entitled "An Act making it unlawful for any person in using a seine or net for the taking of any fish in Cass or Bowie counties to disturb, agitate or beat upon or in the waters at the time of using said seines or nets; fixing a penalty and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 915 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hardin. Pollard.
Holbrook.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hardin. Pollard.
Holbrook.

House Bill No. 278.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 278, A bill to be entitled "An Act providing for an open season of four days on prairie chicken except in certain counties; providing for a penalty for violation of this Act; providing that all laws and parts of laws in conflict herewith shall be subject to the terms of this Act, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 278 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hardin. Pollard.
Holbrook.

Read third time and finally passed.

House Bill No. 312.

Senators Woodruff and Woodward received unanimous consent to strike out the Woodruff amendment as amended by Senator Woodward to H. B. No. 312 which was adopted Saturday relative to changing \$6,000,000 to \$9,000,000.

Senate Bill No. 620.

The Chair laid before the Senate by unanimous consent, the following bill:

By Senator DeBerry:

S. B. No. 620, A bill to be entitled "An Act to amend Article 331 of the Revised Civil Statutes of 1925; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator DeBerry, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 620 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hardin. Pollard.
Holbrook.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hardin. Pollard.
Holbrook.

Motion to Print.

Senator Hopkins called up the motion spread on the Journal to print H. B. No. 225 on minority report.

The motion prevailed by the following vote:

Yeas—14.

Berkeley.	Parr.
Cunningham.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.

Nays—7.

DeBerry.	Purl.
Moore.	Rawlings.
Oneal.	Woodward.
Poage.	

Present—Not Voting.

Neal.

Absent.

Beck.	Small.
Cousins.	Woodruff.
Loy.	Woodul.

Absent—Excused.

Hardin.	Pollard.
Holbrook.	

Simple Resolution No. 145.

Senator Purl sent up the following resolution:

Resolved by the State Senate of Texas that in the death of Colonel John Timothee Trezevant, at his home in Dallas on yesterday, we recognize the passing of a foremost progressive citizen and pioneer business man who was one of the builders of Texas.

As a brave Confederate soldier, enlisting in 1861, at the age of 19 years; twice wounded severely at Shiloh; and reenlisting after recovery from his wounds and serving until the end at Appomattox, he typified the best traditions of the Old South.

As a front rank leader in the business development of Texas, and as a useful citizen of the very highest type he served Texas well for nearly 60 years and typified the best traditions of the New South.

Resolved further That we extend our sympathy to the family of the deceased and direct the Secretary of the Senate to forward to them a copy of this resolution; and when the Senate adjourns it be in memory of this distinguished citizen.

PURL.

Read and adopted unanimously by a rising vote.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, May 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 592 by a viva voce vote.

The House has adopted as amended the following resolution:

S. C. R. No. 45, Relative to the construction of a monument by the Texas Bar Association.

H. C. R. No. 61, Instructing the Enrolling Clerk of the House to make certain corrections in H. B. No. 355.

The House has adopted the Free Conference Committee report on S. B. No. 311 by a vote of 102 yeas and 4 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 115, A bill to be entitled "An Act amending Chapter 12 of the Acts of the First Called Session of the Fortieth Legislature of the State of Texas of 1927 relating to the organization of the Fifty-first (51) Judicial District of the State of Texas; reorganizing the same; naming the counties constituting the same and fixing the terms of court to be held in the several counties therein; amending Chapter 36 of the Acts of the Regular Session of the Thirty-ninth Legislature of the State of Texas, relating to the organization of the Thirty-fifth (35) Judicial District of the State of Texas, reorganizing the same, naming the counties constituting the same and fixing the terms of court to be held in the several counties therein, creating the One Hundred and Nineteenth (119) Judicial District of Texas, naming the counties constituting said district, fixing the terms for holding court in the several counties therein, providing for the appointment of a

judge and a district attorney for said One Hundred and Nineteenth (119) Judicial District, providing that the present Judge and District Attorney of the Fifty-first Judicial District and the present Judge and District Attorney of the Thirty-fifth Judicial District, shall continue to hold their offices during the term for which they were elected and until their successors are duly elected and qualified; giving the judges in said districts power and authority to transfer cases and equalize their dockets and prescribing the duties of the District Clerks in reference to filing cases; providing that the District Clerk of Tom Green County shall be clerk of the newly created One Hundred and Nineteenth (119) Judicial District in Tom Green County; that the District Clerk of Coleman County shall be clerk of the newly created One Hundred and Nineteenth (119) Judicial District in Coleman County; validating all process, writs, bonds and recognizances of every kind and character heretofore issued and entered into and all grand and petit jurors selected and drawn under existing laws in the various counties affected by this Act, prescribing the duties of the District Attorney of said districts, fixing their compensation and providing any provision of this Act shall be held unconstitutional, such holding shall not affect the remaining provisions, and declaring an emergency."

S. B. No. 387, A bill to be entitled "An Act amending Article 6869 by adding thereto another Section to be known as Article 6869-A, authorizing the sheriff, with the consent of the commissioners' court, to employ not to exceed three (3) deputies in counties of three hundred forty thousand (340,000) population or over, according to the 1930 Federal Census for the purpose of enforcing the Dean Law, and other prohibition laws; prescribing the means and manner thereof; fixing the compensation and manner of payment; and declaring an emergency."

(With amendments.)

H. B. No. 73, A bill to be entitled "An Act providing for the regulation of gins, ginners; ginning; the licensing of ginners; providing for proper packing, wrapping, marking, and providing for weighing of seed cotton, lint cotton, and cotton seed, and

keeping a record of the same; providing for the collection of license fees to be used by the Commissioner of Agriculture for the enforcement of this Act, etc., and declaring an emergency."

(With engrossed rider.)

H. B. No. 328, A bill to be entitled "An Act providing for a limit on the number of fresh water bass, crappie or white perch, bream and goggle-eyed perch, or the aggregate of such fish that may be taken or possessed during any one day, and providing the number of such fish or the aggregate of such fish that may be possessed at any time, prescribing penalties, and declaring an emergency."

H. B. No. 553, A bill to be entitled "An Act declaring the counties of Cameron, Willacy, Hidalgo, Starr, Zapata, Jim Hogg, Brooks, Kennedy, Kleberg, Nueces, Jim Wells, Duval, Webb, San Patricio, Refugio, Bee, Live Oak, McMullen, LaSalle, Dimmit, Maverick, Zavala, Frio, Atascosa, Wilson, Karnes, DeWitt, Victoria, Goliad, Calhoun, Aransas to constitute what shall be known in the future as the citrus zone of this State, etc., and declaring an emergency."

H. B. No. 603, A bill to be entitled "An Act fixing the salary of the county commissioners in counties in which the population is as many as seventy-six thousand (76,000) inhabitants and is less than seventy-eight thousand and one (78,001) inhabitants according to the 1930 United States Census, and declaring an emergency."

H. B. No. 645, A bill to be entitled "An Act to amend Article 465, Chapter 7, Title 16, Revised Civil Statutes of Texas, 1925, relating to dividends and unclaimed deposits remaining in the hands of the Commissioner for six months after order for final distribution; requiring same to be deposited in some State bank to the credit of the Commissioner in trust for the bona fide depositors and creditors of the liquidation, so as to provide that such funds remaining in the hands of the Commissioner after order for final distribution shall be by him deposited in the State Treasury to the credit of the Commissioner in his official name in trust for the bona fide depositors and creditors of the liquidation; and providing for es-

cheat of same, if not claimed within seven years after such deposit."

H. B. No. 738, A bill to be entitled "An Act providing that it shall hereafter be unlawful for any person, corporation, insurance company, fraternal organization, burial association or other association to write, sell or issue any certificate, policy, contract or membership maturing upon the death of the person holding same or upon the death of some member of holder's family, if such certificate, policy, contract or membership provides that it is to be paid or settled, or if the plan of such person, corporation, organization or association provides that its certificates, policies, contracts or memberships are to be paid or settled in merchandise or services rendered, etc., and declaring an emergency."

H. B. No. 856, A bill to be entitled "An Act amending Articles 2702, 2703 and 2724 of the Revised Statutes of Texas, 1925, relating to the county unit system of education, and declaring an emergency."

H. B. No. 879, A bill to be entitled "An Act providing that any interested party not willing to abide by the final decision of the Industrial Accident Board shall, in the manner provided by law, bring suit in the county where the injury occurred, to set aside said final decision, etc., and declaring an emergency."

H. B. No. 1006, A bill to be entitled "An Act amending Chapter 91, Acts First Called Session, Fortieth Legislature, as amended by Chapter 77, Acts First Called Session, Forty-first Legislature, and declaring an emergency."

H. B. No. 1007, A bill to be entitled "An Act regulating the taking of fish in El Paso County; prescribing a penalty, and declaring an emergency."

H. B. No. 1022, A bill to be entitled "An Act amending Article 879 of the Penal Code of Texas, 1925, as amended by Chapter 215, Acts Fortieth Legislature, by amending Article 879a created by said Chapter 215, so as to fix an open season for hunting, taking or killing wild ducks, wild geese, wild brandt, wild snipe, wild gallinules, wild coot or mudhen, conforming to Federal laws, and declaring an emergency."

H. B. No. 1026, A bill to be entitled "An Act fixing the venue of suits

brought on policies and contracts made by fraternal benefit societies, and declaring an emergency."

(With engrossed rider.)

H. B. No. 1028, A bill to be entitled "An Act authorizing the commissioners' courts of counties having not less than 3690 and not more than 4000 inhabitants, according to the last available Federal census, to appropriate and expend a sum not exceeding \$7,500 to be used over a period of five years for exterminating predatory animals, and declaring an emergency."

H. B. No. 1033, A bill to be entitled "An Act amending Article 1107, Revised Statutes of Texas, 1925, by adding thereto a new paragraph so as to authorize incorporated cities or towns to exercise the right of eminent domain to condemn private property for airport purposes, and declaring an emergency."

H. B. No. 1034, A bill to be entitled "An Act authorizing the State Comptroller of Public Accounts and the State Treasurer to cancel off their books outstanding and unpaid warrants issued prior to September 1, 1927, and directing the method of payment of same, and declaring an emergency."

H. B. No. 1042, A bill to be entitled "An Act validating the conversion of all navigation districts converted from navigation districts under the provisions of Section 52 of Article III, of the Constitution of the State of Texas into navigation districts under the provisions of Section 59, of Article XVI, of the State Constitution, since the taking effect of Chapter 103, Acts of the Forty-first Legislature, First Called Session, 1929, under the provisions of Section 1 of said Act, ratifying, approving, confirming and validating all proceedings with reference to said conversion, and declaring an emergency."

H. B. No. 1047, A bill to be entitled "An Act to amend Senate Bill No. 139, as enacted by the Forty-second Legislature at its Regular Session, the purpose of which was to authorize county boards of school trustees in certain counties of Texas to employ rural school supervisors in lieu of holding teachers' institutes; defining their duties, fixing their compensation, and declaring an emergency."

(With engrossed rider.)

H. B. No. 1048, A bill to be entitled "An Act authorizing the appointment of an investigator in Tom Green County, Texas, by the District Attorney of the Fifty-first Judicial District; fixing the compensation of such investigator and the amount of expense allowed him, and providing a method for the payment thereof; repealing House Bill No. 43 of the Acts of the Regular Session of the Forty-second Legislature, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to House Bill No. 453 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Reader, Finn, Hughes, McCombes and Mrs. Moore.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 81.

The Chair laid before the Senate as special order the following bill:

By Mr. Bond:

H. B. No. 81, A bill to be entitled "An Act amending Chapter 17 of the Thirty-ninth Legislature, page 44, also amending Articles 5160, 5161, 5162, 5163, and 5164, Revised Civil Statutes of the State of Texas for 1925, providing that anyone contracting with the State of Texas, or its counties, or school districts, or other subdivisions or any municipality for the construction of public buildings or the prosecution and completion of any public work, they shall return at least 50 per cent of the funds that may become due and owing on the contract until final completion of such contract; also providing that laborers, materialmen and those furnishing equipment shall have a lien, and also providing for security to be furnished by contractors, also providing that accounts for materials and labor shall be filed; procedure

for the enforcement of claims and liens, time to sue, prorating claims, and declaring an emergency."

Senator Woodward sent up the following amendment:

Amend Committee Substitute for H. B. No. 81 by adding at the end of line 22, subdivision F, after the word "made," the following:

"Providing that if no such claim is filed within ninety (90) days, the failure to file the same shall not preclude such claimant from recovering against the surety company or from foreclosing lien on funds impounded, if he prosecutes his cause of action as provided herein. Provided further, however, that all claimants filing their account within ninety (90) days shall be preferred over those not doing so."

WOODWARD.

Read and adopted.

Senator Hornsby sent up the following amendments:

Amend C. S. H. B. No. 81 in Section 1, page 2, subdivision G, line 33, by adding after the word "contractor" the following: "Provided further that when claims are filed against a subcontractor, notice of such filing shall in such manner be given to the original contractor."

Read and adopted.

Amend C. S. H. B. No. 81 in subdivision F, line 26, by striking out the word "and" between the word "submitted" and "affidavits" and substituting therefor the word "or."

HORNSBY.

Read and adopted.

Senator Small sent up the following amendments:

Amend C. S. H. B. No. 81, line 42, by striking out the following: "save and except one-fifth of the cost thereof may be recovered on said bond."

SMALL.

Read and adopted.

Amend C. S. H. B. No. 81, line 37, by striking out the words "whether actually used or not."

SMALL.

Read and adopted.

Senator Martin sent up the following amendment:

Amend C. S. H. B. No. 81, page 1, Section 1b by striking out of lines 38 to line 41 inclusive the follow-

ing: beginning with the word "and" in line 38 and down to and including the word "contract" in line 41.

MARTIN.

The amendment was read.

Senator Purl moved to table the amendment. The motion prevailed.

The bill was passed to third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 81 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Greer.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Nay—1.

Hopkins.

Absent—Excused.

Hardin.	Pollard.
Holbrook.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Greer.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	Woodward.

Nays—2.

Hopkins.	Martin.
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Absent—Excused.

Hardin.	Pollard.
Holbrook.	

H. C. R. No. 61.

The Chair laid before the Senate the following resolution:

H. C. R. No. 61, Authorizing the correction of H. B. No. 355.

Read and adopted.

House Bill No. 241.

The Chair laid before the Senate as special order the following bill:

By Mr. Satterwhite, Mr. McGill, Mr. Metcalfe and Mr. Lockhart:

H. B. No. 241, A bill to be entitled "An Act making an appropriation to reimburse persons, firms, and corporations for losses sustained during the years of 1929 and 1930 by reason of the establishment by the State of Texas of regulated and restricted zones in certain areas of the State requiring such persons, firms and corporations to pay money for the sterilization of seed and the fumigation of cotton, etc., and declaring an emergency."

Read second time.

Senator Moore sent up the following amendment:

Amend H. B. No. 241, Sec. 1, line 28, by adding between the word "of" and the figures "1929" the following: "1922, 1923, 1924."

MOORE,
LOY.

The amendment was read.

On motion of Senator Berkeley, the bill and the amendment were laid on the table subject to call.

Conference Committee Appointed.

The Chair announced the appointment of the following Senate Conference Committee on H. B. No. 453: Senators Moore, Hopkins, Woodul, Thomason, and Williamson.

House Bills Referred.

H. B. No. 73 referred to Committee on Agricultural Affairs.

H. B. No. 553 referred to Committee on Agricultural Affairs.

H. B. No. 1028 referred to Committee on State Affairs.

H. B. No. 1022 referred to Committee on State Affairs.

H. B. No. 1007 referred to Committee on State Affairs.

H. B. No. 328 referred to Committee on State Affairs.

H. B. No. 603 referred to Committee on State Affairs.

H. B. No. 645 referred to Committee on Banks and Banking.

H. B. No. 1047 referred to Committee on Educational Affairs.

H. B. No. 856 referred to Committee on Educational Affairs.

H. B. No. 1006 referred to Committee on Educational Affairs.

H. B. No. 879 referred to Committee on Civil Jurisprudence.

H. B. No. 1033 referred to Committee on Towns and City Corporations.

H. B. No. 738 referred to Committee on Insurance.

H. B. No. 1034 referred to Committee on Finance.

H. B. No. 1042 referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 1048 referred to Committee on Judicial Districts.

H. B. No. 1026 referred to Committee on Civil Jurisprudence.

Senate Bill No. 602.

The Chair laid before the Senate as special order the following bill:

By Senator Woodruff:

S. B. No. 602, A bill to be entitled "An Act to amend Article 609 of the Revised Civil Statutes of 1925, and declaring an emergency."

Read second time.

Senator Rawlings moved to refer the bill to the Committee on Civil Jurisprudence.

Senator Woodruff moved to table the motion. The motion to table prevailed by the following vote:

Yeas—13.

Beck.	Parrish.
Berkeley.	Patton.
DeBerry.	Poage.
Gainer.	Russek.
Hopkins.	Thomason.
Hornsby.	Woodruff.
Neal.	

Nays—9:

Greer.	Stevenson.
Moore.	Williamson.
Purl.	Woodul.
Rawlings.	Woodward.
Small.	

Absent.

Cousins.	Oneal.
Martin.	

Absent—Excused.

Hardin.	Loy.
Holbrook.	Pollard.

(Pair Recorded.)

Senator Parr (present) who would vote nay, with Senator Cunningham (absent) who would vote yea.

The committee report was adopted by the following vote:

Yeas—15.

Beck.	Parrish.
Berkeley.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Hopkins.	Russek.
Hornsby.	Thomason.
Martin.	Woodruff.
Neal.	

Nays—7.

Greer.	Stevenson.
Moore.	Williamson.
Rawlings.	Woodul.
Small.	

Absent.

Cousins.	Woodward.
Oneal.	

Absent—Excused.

Hardin.	Loy.
Holbrook.	Pollard.

(Pair Recorded.)

Senator Parr (present) who would vote yea, with Senator Cunningham (absent) who would vote nay.

Senator Purl sent up the following amendment:

Amend S. B. No. 602 by adding a new section to be known as Subsection "c." Provided, however, nothing in this Act shall be construed as contravening Section 21, Article XVI, Constitution of State of Texas.

PURL.

The amendment was read.

Senator Woodruff moved to table the amendment. The motion prevailed by the following vote:

Yeas—15.

Beck.	Neal.
Berkeley.	Patton.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Thomason.
Greer.	Woodruff.
Hopkins.	Woodward.
Martin.	

Nays—11.

Hornsby.	Purl.
Moore.	Rawlings.
Oneal.	Stevenson.
Parr.	Williamson.
Parrish.	Woodul.
Poage.	

Absent.

Cousins.

Absent—Excused.

Hardin.	Loy.
Holbrook.	Pollard.

The bill was passed to engrossment by the following vote:

Yeas—13.

Beck.	Poage.
Berkeley.	Russek.
Cunningham.	Small.
DeBerry.	Thomason.
Gainer.	Woodruff.
Martin.	Woodward.
Patton.	

Nays—13.

Greer.	Parrish.
Hopkins.	Purl.
Hornsby.	Rawlings.
Moore.	Stevenson.
Neal.	Williamson.
Oneal.	Woodul.
Parr.	

Absent—Excused.

Cousins.	Loy.
Hardin.	Pollard.
Holbrook.	

The Chair voted "yea."

On motion of Senator Woodruff, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 602 was put on its third reading and final passage by the following vote:

Yeas—23.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—2.

Rawlings.	Stevenson.
Williamson.	Absent.

Absent—Excused.

Cousins.	Loy.
Hardin.	Pollard.
Holbrook.	

Read third time and finally passed by the following vote:

Yeas—14.

Beck.	Patton.
Berkeley.	Poage.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Thomason.
Martin.	Woodruff.
Parr.	Woodward.

Nays—12.

Greer.	Parrish.
Hopkins.	Purl.
Hornsby.	Rawlings.
Moore.	Stevenson.
Neal.	Williamson.
Oneal.	Woodul.

Absent—Excused.

Cousins.	Loy.
Hardin.	Pollard.
Holbrook.	

Motion to Concur.

Senator Woodul moved to concur in the House amendment to S. B. No. 387. The motion prevailed by the following vote:

Yeas—26.

Beck.	DeBerry.
Berkeley.	Gainer.
Cunningham.	Greer.

Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Russek.
Moore.	Small.
Neal.	Stevenson.
Oneal.	Thomason.
Parr.	Williamson.
Parrish.	Woodruff.
Patton.	Woodul.
Poage.	Woodward.

Absent—Excused.

Cousins.	Loy.
Hardin.	Pollard.
Holbrook.	

House Bill No. 619.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Hubbard:

H. B. No. 619, A bill to be entitled "An Act providing for and authorizing the exchange between the State of Texas and the Houston and Texas Central Railroad Company of certain lands belonging to them, respectively, situated in Waller County, Texas, and the execution of deeds of conveyance affecting such exchange, placing the land to be so acquired and conveyed to the State in and under the possession, control and management of the State Highway Commission and constituting same a part of the right of way for State Highway No. 6 in Waller County, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 619 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Absent—Excused.

Cousins.	Holbrook.
Hardin.	Pollard.

Read third time and finally passed.

House Bill No. 713.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 713, A bill to be entitled "An Act providing for the transfer of title of certain lands to the State Highway Commission, consisting of two separate tracts, one being across Copano Pass in Aransas County, the other across Lavaca Bay in Calhoun County, lying under, along and adjacent to the causeways and their approaches now under construction on State Highway No. 57, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 713 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Absent—Excused.

Cousins.	Holbrook.
Hardin.	Pollard.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Hopkins.
Berkeley.	Hornsby.
Cunningham.	Martin.
DeBerry.	Moore.
Gainer.	Neal.
Greer.	Oneal.

Parr.	Small.
Parrish.	Stevenson.
Patton.	Thomason.
Poage.	Williamson.
Purl.	Woodruff.
Rawlings.	Woodul.
Russek.	Woodward.

Absent—Excused.

Cousins.	Loy.
Hardin.	Pollard.
Holbrook.	

House Bill No. 227.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Ferguson:

H. B. No. 227, A bill to be entitled "An Act to amend Section 1, House Bill No. 36, Chapter 48, Acts of the First Called Session, Forty-first Legislature, providing that all citations and notices issued by the county clerk on application for the probate of a written will or for letters of administration, or on applications for the appointment of a guardian, shall be returnable to the court from which issued on the first Monday after service is perfected, and said returnable date shall constitute the terms of the probate court for action on said application so as to include therein all citations and notices issued out of the probate court under authority to be fixed for service of citations, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 227 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Parrish.
Berkeley.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	Woodward.

Absent—Excused.

Cousins.	Loy.
Hardin.	Pollard.
Holbrook.	

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Patton.
Berkeley.	Poage.
Cunningham.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	Woodward.
Parrish.	

Nay—1.

DeBerry.

Absent—Excused.

Cousins.	Loy.
Hardin.	Pollard.
Holbrook.	

House Bill No. 724.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 724, A bill to be entitled "An Act to amend Article 8222, Title 128, of the Revised Civil Statutes of 1925, so as to provide for the assessment and collection of taxes to pay interest on bonds and provide a sinking fund where bonds have been issued by navigation districts, and also providing for the levy and collection of an annual tax not to exceed ten cents on the one hundred dollars valuation for maintenance, operation and upkeep of such navigation districts, providing for method of fixing the rate and levy of said tax and prescribing the property upon which said taxes shall be levied; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 724 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Parrish.
Berkeley.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	Woodward.

Absent—Excused.

Cousins.	Loy.
Hardin.	Pollard.
Holbrook.	

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Patton.
Berkeley.	Poage.
Cunningham.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	Woodward.
Parrish.	

Nay—1.

DeBerry.

Absent—Excused.

Cousins.	Loy.
Hardin.	Pollard.
Holbrook.	

House Bill No. 258.

Senator Rawlings called up from the table the following bill:

By Mr. Anderson and Mr. Barron:
H. B. No. 258, A bill to be entitled "An Act amending Article 7150, Section 1, of the Revised Civil Statutes of 1925, of the State of Texas, by adding thereto a provision exempting a dwelling place for the ministry of such church or religious society, and declaring an emergency."

Adjournment.

On motion of Senator Woodul, the

Senate, at 5:16 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, May 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 47 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, May 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 623, A bill to be entitled "An Act making an emergency appropriation of money to the State Treasurer; providing the purposes thereof, the means and manner of expenditure, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BECK, Chairman.

Committee Room,
Austin, Texas, May 9, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 624, A bill to be entitled "An Act re-appropriating certain unexpended balances in the appropriations made by the Regular Session and the called sessions of the Forty-first Legislature for mileage and per diem and for contingent expenses so that said unexpended balances may be available for mileage and per diem and for contingent expenses of the Forty-second Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BECK, Chairman.

Committee Room,
Austin, Texas, May 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 625, A bill to be entitled "An Act to create and establish San Antonio River Canal and Conservancy District under authority of Section 59 of Article XVI of the Constitution of Texas, to be a governmental agency, a body politic, municipal and corporate; also stating the intent and defining certain words and expressions as used in this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,
Austin, Texas, May 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 998, A bill to be entitled "An Act validating, ratifying, confirming, and approving the acts, orders and proceedings of the Commissioners' Court of Somervell County, Texas, relating to incorporation of the City of Glen Rose; validating, ratifying, confirming and approving the boundary lines embracing the territory within the corporate limits of the City of Glen Rose; validating, ratifying, confirming and approving all acts, orders and proceedings of the officers and Board of Aldermen of the City of Glen Rose; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ONEAL, Chairman.

Committee Room,
Austin, Texas, May 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 738, A bill to be entitled "An Act providing that it shall hereafter be unlawful for any person corporation, insurance company, fraternal organization, burial associa-

tion, or other association to write, sell or issue any certificate, policy, contract or membership, maturing upon the death of the person holding same or upon the death of some member of holder's family, if such certificate, policy, contract or membership provides that it is to be paid or settled, or if the plan of such person, corporation, organization or association provides that its certificates, policies, contracts or memberships are to be paid or settled in merchandise or services rendered, or agreed to be rendered, or by furnishing burial materials or burial services, or in discounts on the regular services or other services, or if such certificate, policy, contract or membership is to be paid at maturity in anything except money; and providing that any person, corporation, insurance company, fraternal organization, burial association or other association violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be subject of a fine of not less than Ten Dollars (\$10.00) nor more than Two Hundred Fifty Dollars (\$250.00), each sale of any such policy; contract or membership shall constitute a separate offense; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

STEVENSON, Chairman.

Committee Room,
Austin, Texas, May 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation & Drainage, to whom was referred

H. B. No. 1042, A bill to be entitled "An Act validating the conversion of all navigation districts converted from navigation districts under the provisions of Section 52 of Article 3 of the Constitution of the State of Texas into navigation districts under the provisions of Section 59 of Article 16 of the State Constitution, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HORNSBY, Chairman.

Committee Room,
Austin, Texas, May 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 603, A bill to be entitled "An Act fixing the salary of the County Commissioners in each county in which the population is as many as seventy-six thousand (76,000) inhabitants and is less than seventy-eight thousand and one (78,001)) inhabitants according to the United States Census last preceding and which county has voted as much as Six Million Dollars in road bonds and One Million Dollars in flood control or flood protection bonds: and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, May 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. B. No. 553, A bill to be entitled "An Act declaring the counties of Cameron, Willacy, Hidalgo, Starr, Zapata, Jim Hogg, Brooks, Kenedy, Kleberg, Nueces, Jim Wells, Duval, Webb, San Patricio, Refugio, Bee, Live Oak, McMullen, La Salle, Dimmit, Maverick, Zavala, Frio, Atascosa, Wilson, Karnes, DeWitt, Victoria, Goliad, Calhoun, Aransas, to constitute what shall be known in the future as the Citrus Zone of this State; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, May 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 1026, A bill to be entitled "An Act fixing the venue of suits brought on policies and contracts

made by Fraternal Benefit Societies and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WOODWARD, Chairman.

Engrossed Rider No. 1.

Amend H. B. No. 1026 below enacting clause by adding to end of Section 1 the following:

"or in the county of the principal office of such association."

KELLER.

[May 9, 1931, Adopted.]

By Martin.

H. B. No. 1026.

A BILL

To Be Entitled

An Act fixing the venue of suits brought on policies issued and contracts made by Fraternal Benefit Societies and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In all actions brought against Fraternal Benefit Societies, regardless of the plan upon which they operate and whether incorporated or not, growing out of or based upon any alleged right or claim or loss or proceeds due, arising from or predicated upon any policy or contract issued or made by such fraternal Benefit Society, venue shall lie in the county where the policy holder or beneficiary instituting such suit resides.

Sec. 2. The crowded condition of the calendar creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended and said Rule is hereby suspended and this bill shall take effect and be in force from and after its passage, and it is so enacted.

SIXTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas,
May 12, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum be-